

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>CORPORAL TRINIDAD NAVARRO,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	<b>C.A. No. 05-565 (GMS)</b>
<b>v.</b>	:	
	:	<b>JURY TRIAL DEMANDED</b>
<b>CHRISTOPHER A. COONS,</b>	:	
<b>individually and in his official capacity;</b>	:	
<b>GUY H. SAPP, individually and in his</b>	:	
<b>official capacity; and NEW CASTLE</b>	:	
<b>COUNTY, a municipal corporation,</b>	:	
	:	
<b>Defendant.</b>	:	

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**PLAINTIFF’S RESPONSE  
TO DEFENDANTS’ MOTION IN LIMINE**

Defendants Christopher A. Coons, Guy H. Sapp and New Castle County (“Defendants”) have moved this Court to bar Plaintiff from providing evidence of discrimination against persons other than Plaintiff.

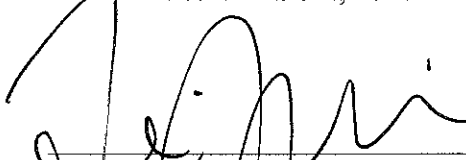
After reviewing the case law offered in support of Defendants’ Motion, we agree with the arguments contained in their Motion supporting the requested limitation of evidence. That said, the limiting instruction that Defendants propose be made to Plaintiff, Plaintiff’s counsel and any of Plaintiff’s witnesses should, in fairness, also be made to Defendants, Defense counsel and any of Defendants’ witnesses. In other words, if Plaintiff is precluded from offering evidence of actions taken by Defendants for their political support, then Defendants should be precluded from offering evidence that they took *no* action against other Gordon, Freebery or McAllister supporters.

Furthermore, should a Defendant, Defense counsel or a Defense witness open the door with a statement to the effect that no actions were taken against any political

supporters of Gordon, Freebery and/or McAllister then Plaintiff should be permitted to offer such evidence to impeach that witness' credibility on that statement.

WHEREFORE, in addition to the relief sought by Defendants in their Motion in Limine, Plaintiff respectfully requests that this Honorable Court issue an order instructing Defendants, their counsel and all of their witnesses from introducing, referring to or commenting in any way on any evidence concerning Defendants' lack of action taken against other employees who supported Gordon, Freebery and/or McAllister, and should such a statement be made by any of the above-identified individuals, that Plaintiff may introduce evidence of Defendants' alleged discrimination and/or retaliation against employees who supported Gordon, Freebery and/or McAllister.

MARTIN & WILSON, P.A.

A handwritten signature in black ink, appearing to read 'Jeffrey R. Martin', is written over a horizontal line.

Jeffrey R. Martin, Esquire (I.D. #2407)  
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Attorneys for Plaintiff

Dated: August 8, 2007